

FOR ASSISTANCE WITH CJA VOUCHERS PLEASE EMAIL
KAMI PATTERSON AT **CJA_REQUEST@CA5.USCOURTS.GOV**

You may submit your CJA voucher for payment in one of three ways:

1. By facsimile to (504) 310-7583, Attn: Kami Patterson
2. By email to Kami_Patterson@ca5.uscourts.gov
3. By U.S. Mail to the following address:

Attn: Kami Patterson
Appellate Conference Attorneys' Office
600 Camp Street
New Orleans, LA 70130

Please do not submit multiple copies of the voucher and materials.

GENERAL

Philosophy of the Act: The Bar of the Nation owes a responsibility to represent persons financially unable to retain counsel. The compensation provided is not intended to equate to private counsel fees. The hourly rates of compensation fixed by the Criminal Justice Act are designated and intended to be the maximum rates and should be so treated.

All claims for compensation and reimbursement of expenses for representation on appeal shall be itemized in detail and filed with the Appellate Conference Attorneys' Office on officially approved forms provided by this office. Such claims should be filed as promptly as possible.

If an appointed attorney elects not to file a claim, the CJA voucher should be returned to the Appellate Conference Attorneys' Office with correspondence stating that no claim will be filed.

ALL PAYMENTS MADE PURSUANT TO THIS CLAIM ARE SUBJECT TO POST-AUDIT. CONTEMPORANEOUS TIME AND ATTENDANCE RECORDS AS WELL AS EXPENSE RECORDS MUST BE MAINTAINED FOR THREE YEARS AFTER APPROVAL OF THE FINAL VOUCHER. ANY OVERPAYMENTS ARE SUBJECT TO COLLECTION, INCLUDING DEDUCTION OF AMOUNTS DUE FROM FUTURE VOUCHERS.

COMPENSATION

APPLICABLE HOURLY RATES

Date of Service	In Court Hourly Rates	Out of Court Hourly Rates
Criminal Appeals (CJA 20)		
Jan 1, 2008 to present	\$100	\$100
May 20 2007 to Dec. 31, 2007	\$94	\$94
Jan 1, 2006 to May 19, 2007	\$92	\$92
May 1, 2002 to Dec 31, 2005	\$90	\$90
Apr 1, 2001 to Apr 30, 2002	\$75	\$55
Jan 1, 2000 to Mar 31, 2001	\$70	\$50
Jan 1, 1996 to Dec 31, 1999	\$65	\$45
Oct 12 1994 to Dec. 31, 1995	\$60	\$40
Before October 12, 1994	\$30	\$20
Death Penalty Appeals (CJA 30)		
Jan 01, 2008 to present	\$170	\$170
May 20 2007 to Dec 31, 2007	\$166	\$166
Jan 1, 2006 to May 19, 2007	\$163	\$163
Feb 1, 2005 to Dec 31, 2005	\$160	\$160
Before Feb 1, 2005	\$125	\$125

IN COURT TIME

This court allows CJA attorneys to claim a maximum of ONE HOUR for in-court fees.

MAXIMUM COMPENSATION LIMITS

Payments for representation on appeal in excess of the limitations may be made for extended or complex representation whenever the Court of Appeals certifies that the amount of such excess payment is necessary to provide fair compensation, and such excess payment is approved by a Fifth Circuit judge.

NON-DEATH PENALTY APPEALS

Effective December 8, 2004 - For representation in an appellate court, the following maximums apply to appointed counsel if services for a representation were provided on or after December 8, 2004.

The case maximum is \$5000 for appeal of a felony or misdemeanor; \$5000 for appeal of a 18 U.S.C. § 4106A parole proceeding; and \$1,500 for any other representation required or authorized by 18 U.S.C. § 3006A for each attorney in each proceeding

The former case compensation maximums apply to appointed counsel if all representational services are completed before December 8, 2004.

If all representational services are provided between November 13, 2000 and December 8, 2004, the case maximum is \$3700 for appeal of a felony or misdemeanor; \$3900 for appeal of

a 18 U.S.C. § 4106A parole proceeding; and \$1,200 for any other representation required or authorized by 18 U.S.C. § 3006A for each attorney in each proceeding.

If all representational services are provided before November 13, 2000, the statutory maximum is \$2500.00.

DEATH PENALTY APPEALS

In Federal capital prosecutions, any request for compensation in excess of a total of \$50,000, and any request for compensation in excess of \$15,000 in § 2254 and § 2255 cases, including any interim payments for representations of any one defendant is presumptively excessive.

WRIT OF CERTIORARI

Fees and expenses for preparation of a Petition for Writ of Certiorari to the Supreme Court of the United States are reimbursable by the 5th Circuit. Attorneys can be reimbursed on the original voucher issued by this court if all cert work has been completed at the time of submission. If a voucher has already been submitted and paid for prior work on a case, an additional voucher can be completed and marked as supplemental in the “claim status” section of the voucher. Amounts claimed for a Petition for Writ of Certiorari are included in the maximum compensation limits; therefore, if the additional fees requested plus any prior amounts paid cause the total amount to exceed the case maximum, a CJA 27 should be included. **A copy of the Petition for Certiorari must accompany the voucher.** Please use the fees and expense worksheet designated for the preparation of the Petition for Writ of Certiorari.

EXCEEDING THE CASE MAXIMUM

Any attorney's request for payment that is presumptively excessive, because of the hourly rate, the total amount requested or both, must be justified by the requesting attorney in a written submission filed with the voucher.

If the in-court and out-of-court fees incurred exceed the statutory case maximum, it is necessary to submit one of the two documents listed below with your voucher:

1. The CJA 27 Supplemental Information Statement for Compensation in Excess of the Statutory Case Compensation Maximum form justifying the amount claimed,

OR

2. A letter of acceptance of the maximum compensation rate stating that all fees over the statutory maximum are waived. Once fees are waived, no further fee submissions will be considered.

COMPENSATION AND EXPENSE OF ASSOCIATE ATTORNEYS

A separate Fees Worksheet for each person claiming fees must be submitted with the CJA voucher. An appointed counsel may claim compensation for services furnished by a partner

or associate within the maximum compensation allowed by the Act. However, the court expects court appointed counsel to have taken the lead in the preparation of the brief and to present oral argument, if argument is allowed.

Claims by associate counsel for in-court services and travel expenses cannot be allowed unless such partner or associate is appointed under the Criminal Justice Act on advance motion and approved by the court.

COMPENSATION FOR SUBSTITUTED ATTORNEYS

If an attorney is substituted for an attorney previously appointed in the same case, the total compensation that may be paid to both attorneys shall not exceed the statutory maximum for one defendant, unless the case involves extended or complex representation.

TRAVEL

Please contact Laura Miles at (504) 310-8506 for travel authorization.

ORAL ARGUMENT

Time & expenses for oral argument and/or a visit to the client are reimbursable and **must be pre-authorized** by the senior appellate conference attorney.

CLIENT VISITS

All visits to the client **must be requested in writing and pre-approved** by the Senior Appellate Conference Attorney, Joseph St. Amant. Travel arrangements should be made through Omega Travel Service, by calling 1-800-US-OMEGA, or at www.owt.net. Travel must be by method of transportation which will result in the greatest advantage to the Government, cost and fees considered and claimed on an actual expense basis.

TRAVEL TIME

Compensation shall be approved for time spent in necessary and reasonable travel. Allowable time for travel includes only those hours actually spent in or awaiting transit. Accordingly, if a trip necessarily and reasonably requires overnight lodging, compensable travel time to the destination from the attorney's office would terminate upon arrival and check-in at the hotel or other place of accommodation plus travel time returning directly to the attorney's office from said destination. Compensation for travel time should be at a rate not to exceed the rate provided by the Act for "time reasonably expended out of court." Whenever a traveler uses a private automobile in lieu of a commercial airline for official purposes as a matter of personal preference, the court shall determine whether the travel time should be apportioned. The court will compensate the appointed attorney for that portion of the travel time reasonably attributable to the performance of the attorney's duties under the Act.

TRAVEL EXPENSES

Travel-related expenses that are incidental to the representation (e.g., transportation, lodging, meals, parking, and mileage) must be itemized on the Travel Expense Worksheet and will be reimbursed on an actual expense basis. Counsel should be guided by the prevailing limitations for travel and subsistence expenses of federal employees. Travel expenses for oral

argument purposes will be limited to a total of one and one-half days. Receipts are required when the voucher is submitted for payment. Any special travel expenses other than for travel and maintenance to and from the place of hearing should not be incurred by any attorney or other representative appointed under this Plan without a prior *ex parte* application to and approval by the Court.

LOCAL TRANSPORTATION

All local travel will be accomplished by the most economical means possible, and claimed on an actual expense basis. Transportation to and from an airport should be by use of the airport shuttle, if available.

COMMERCIAL AIRFARE

Pursuant to Section 702 of the Federal Courts Administration Act of 1992, Public Law 102-572, 106 Stat. 4506, attorneys are authorized to obtain government travel for providing representation under the Criminal Justice Act. Whenever a traveler uses a commercial airline for official purposes as a matter of personal preference, payment for such travel shall be limited to the Government rate available through Omega Travel - airfare in "first class" is prohibited.

TAXI CAB FARE

This court pays a maximum rate of \$62 for cab fare in New Orleans for oral argument.

AUTOMOBILE TRANSPORTATION

If travel is by automobile the total mileage cost shall not exceed the fare authorized by Omega Travel for tourist-jet accommodation, except in an emergency, or for other unusual circumstances. Travel reimbursement by privately owned automobile shall not exceed the current government authorized rate for official travel per mile on a straight mileage basis, plus parking fees, ferry, bridge, road and tunnel fares.

MILEAGE RATES

Date of Service	Rate
1/1/08 - Present	50.5¢
2/1/07 - 12/31/07	48.5¢
1/1/06 - 1/31/07	44.5¢
9/1/05 - 12/31/05	48.5¢
2/4/05 - 8/31/05	40.5¢
1/1/04 - 2/3/05	37.5¢
1/1/03 - 12/31/03	36.0¢
1/21/02 -12/31/02	36.5¢
1/22/01 - 1/20/02	34.5¢
1/14/00 - 1/21/01	32.5¢
4/1/99 - 1/13/00	31.0¢
9/8/98 - 3/31/99	32.5¢
1/1/96 - 9/7/98	31.0¢
7/1/91 - 12/31/95	5.0¢
9/17/89 - 6/30/91	4.0¢
before 9/16/89	.225¢

EXPENSES

INVESTIGATIVE, EXPERT, AND OTHER SERVICES

Appointed counsel may obtain investigative, expert, and other services necessary for adequate representation in accordance with the procedures set forth in subsection (e) of the Criminal Justice Act (CJA), 18 U.S.C. §3006A. Prior authorization from the presiding judicial officer is required for all such services where the cost, excluding expenses, will exceed \$500. Failure to obtain prior authorization will result in the disallowance of any amount claimed for compensation in excess of \$500, unless the presiding judicial officer, in the interest of justice, finds that timely procurement of necessary services could not await prior authorization. Payment for these services should be claimed directly by the service provider on a CJA Form 21 for non-death penalty appeals or on a CJA Form 31 for death penalty appeals, "Authorization and Voucher for Expert and Other Services."

OFFICE EXPENSES

The statutory fee is intended to include compensation for general office overhead. General office overhead includes office expenses that would normally be reflected in the fee charged to the client, such as regular office supplies, overtime, secretarial services, rent, and local telephone services. Therefore, except in extraordinary circumstances, personnel costs, rent, telephone service, and secretarial help (whether regularly or specially employed and even if counsel has no regularly employed secretary) are not reimbursable.

PHOTOCOPYING

Outside Copy Service

Actual costs not to exceed 25¢ per page will be paid. **All outside copying expenses must be accompanied by a receipt.**

In-House Copies

Actual costs not to exceed 15¢ per page will be paid. The costs of other forms of reproduction will not be reimbursable.

POSTAGE

This must be accomplished by the most economical means possible and claimed on an actual expense basis. **Receipts are required for all claims over \$50.**

COURIER SERVICE

Non-Death Penalty Appeals

Routine documents ordinarily should be prepared in time to permit use of the least expensive services available. **The court will not reimburse for overnight courier services in non-death penalty cases, except as follows:**

Arranging To Pay For Shipping The Record On Appeal: Effective November 1, 2004, 5th Cir. R. 30.1 allows the clerk to “require the party receiving” the record on appeal to “pay reasonable shipping costs as a condition of receiving the record.” See www.ca5.uscourts.gov.

Death Penalty Appeals

The court will pay for express mail in Death Penalty cases, provided a copy of the receipt is attached when the voucher is submitted for payment.

LONG DISTANCE CHARGES

This must be accomplished by the most economical means possible and claimed on an actual expense basis. **Receipts are required for all claims over \$50.**

LEGAL RESEARCH

This must be accomplished by the most economical means possible and claimed on an actual expense basis. **Receipts are required for all claims over \$50.**

LAW STUDENTS, LEGAL ASSISTANTS, & PARALEGALS

Work performed by a law student, legal assistant, and/or paralegal must be detailed on the Law Student/Legal Assistant/Paralegal worksheets. A separate worksheet is required for each person claiming expenses. The total amount should be included on the Other Expenses worksheets in the appropriate column.

Without prior approval, attorneys will be reimbursed a maximum \$25 per hour up to \$500 for Law Student/Legal Assistant/Paralegal expenses. Expenses exceeding \$500 must be pre-approved by the Senior Appellate Conference Attorney. Attorneys' written request to exceed the maximum should be submitted via facsimile transmission to Kami Patterson at (504) 310-7583.

FILING FEES

Parties represented in cases covered by the Act are not required to pay filing fees or print their briefs on appeal.

TAX FORMS

A tax identification form must be on file for every attorney seeking compensation under the Criminal Justice Act. Please submit a tax ID form with your first voucher of a given calendar year, and submit a new form if your contact information changes during the course of the year. This will ensure that checks and correspondence are sent to the correct address. Tax forms are available on the forms page of the CJA website.

VOUCHER SUBMISSION CHECKLIST

Appeal Work:

- ☐ VOUCHER FORM
- ☐ FEE WORKSHEETS
- ☐ EXPENSE WORKSHEETS (if applicable)
- ☐ LAW STUDENT/LEGAL ASSISTANT/PARALEGAL WORKSHEETS (if applicable)
- ☐ TRAVEL WORKSHEETS (if applicable)
- ☐ CJA 27 (if fees exceed limit)
- ☐ ATTORNEY TAX ID FORM (submit with your first voucher of the calendar year, and submit a revised tax id form if your contact information changes during the year)

Writ Of Certiorari (in addition to your voucher and any applicable forms above)

- ☐ FEE WORKSHEETS FOR PETITION FOR CERTIORARI
- ☐ EXPENSE WORKSHEETS FOR PETITION FOR CERTIORARI (if applicable)
- ☐ COPY OF THE PETITION FOR CERTIORARI (does not need to be a file-stamped copy)

Receipts to Include:

- ☐ ANY SINGLE ITEM OVER \$50
- ☐ OUTSIDE COPY SERVICES (any amount)
- ☐ TRAVEL EXPENSES (any amount)

TIME IN TENTHS CHART

MINUTES	TIME IN TENTHS
1-6	.1
7-12	.2
13-18	.3
19-24	.4
25-30	.5
31-36	.6
37-42	.7
43-48	.8
49-54	.9
55-60	1.0

Please note: the following time notations are INCORRECT:

.25

15 minutes

$\frac{1}{4}$ hr, $\frac{1}{2}$ hr, 5/10ths

**ALL VOUCHERS WITH WORKSHEETS SHOWING TIME NOT IN
TENTHS WILL BE RETURNED FOR REVISION.**

PRIVACY POLICIES

Attachment to CJA Guidelines

Provision of FY 1998 Judicial Appropriation (Public Law 105-119, Nov. 26, 1997) amending the Criminal Justice Act.

Sec. 308 Section 3006A(d) of title 18, *United States Code*, is amended by striking paragraph (4) and inserting the following:

"(4) ***Disclosure of Fees.*** -

"(A) ***In General*** - Subject to subparagraphs (B) through (E), the amounts paid under this subsection for services in any case shall be made available to the public by the court upon the court's approval of the payment.

"(B) ***Pre-Trial or Trial in Progress*** - If a trial is in pre-trial status or still in progress and after considering the defendant's interests as set forth in subparagraph (D), the court shall

"(i) redact any detailed information on the payment voucher provided by defense counsel to justify the expenses to the public; and

"(ii) make public only the amounts approved for payment to defense counsel by dividing those amounts into the following categories:

"(I) Arraignment and or plea,

"(II) Bail and detention hearings.

"(III) Motions.

"(IV) Hearings.

"(V) Interviews and conferences.

"(VI) Obtaining and reviewing records.

"(VII) Legal research and brief writing.

"(VIII) Travel time.

"(IX) Investigative Work.

"(X) Experts.

"(XI) Trial and appeals.

"(XII) Other.

"(C) ***Trial Completed.*** -

"(i) ***In General*** - If request for payment is not submitted until after the completion of the trial and subject to consideration of the defendant's interests as set forth in subparagraph (D), the court shall make available to the public an unredacted copy of the expense voucher.

"(ii) ***Protection of the Rights of the Defendant*** - If the court determines that the defendant's interests as set forth in subparagraph (D) require a limited disclosure, the court shall disclose amounts as provided in subparagraph (B).

"(D) ***Considerations*** - The interests referred to in subparagraphs (B) and (C) are -

"(i) to protect any person's 5th amendment right against self-incrimination;

"(ii) to protect the defendant's 6th amendment rights to effective assistance of counsel;

"(iii) the defendant's attorney-client privilege;

"(iv) the work product privilege of the defendant's counsel;

"(v) the safety of any person; and

"(vi) any other interest that justice may require.

"(E) ***Notice*** - the court shall provide reasonable notice of disclosure to the counsel of the defendant prior to the approval of payments in order to allow the counsel to request redaction based on the considerations set forth in subparagraph (D). Upon completion of the trial the court shall release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court. If there is appeal, the court shall not release unredacted copies of the vouchers provided by defense counsel to justify the expenses to the court until such time as the appeals process is completed, unless the court determines that none of the defendant's interests set forth in subparagraph (D) will be compromised.

"(F) ***Effective Date*** - The amendment made by paragraph (4) shall become effective 60 days after enactment of this Act, will apply only to cases filed on or after the effective date, and shall be in effect for no longer than twenty-four months after the effective date."